

Our ref: RED-67A

Client's ref: AJBB/SPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES

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In re Application of: T. H. NORMAN :
Appln. No. : 10/018,538 Art Unit: 2872
Filed : March 11, 2002 Examiner: J.L. Pritchett
For : VEHICLE REAR VIEW Dated: January 9, 2007
MIRROR
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Confirmation #7908

AMENDED APPELLANTS BRIEF

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S i r:

Attached is Applicant's Amended Appeal Brief. This Amended Brief adds separate headings for each grounds of rejection in Section VII.

REAL PARTY IN INTEREST

Spafax International, Ltd., the Assignee of record.

RELATED APPEALS AND INTERFERENCES

None

STATUS OF CLAIMS

Claims 1-17 are canceled.

Claims 18-31 are rejected.

Claims 18-31 are appealed.

STATUS OF AMENDMENTS

The last Amendment was filed on March 27, 2006, and has been entered.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Claim 18 is the only independent claim in this case and none of the dependent claims will be argued separately.

Claim 18 is directed to a vehicle rear view mirror comprising mirror lens 2 carried by frame 3 and positioned in housing 1, page 1, lines 15-18; page 3, lines 14-18; and Figs. 1 and 2.

Mirror lens 2 is carried within frame 3 and frame 3 is within rim portion 4 of housing 1 such that frame 3 and mirror lens 2 are wholly located within and do not extend over the outer edge of rim portion 4 of housing 1, page 1, lines 19-24; page 3, lines 19-21; and Fig. 2.

Frame 3 is mounted in housing 1 by a resilient snap-fit, abutments 5 of frame 3 cooperate with catches 6 of housing 1, such that frame 3 is in a fixed position relative to housing 1, page 1, line 25 - page 2, line 5; page 3, lines 22-27; and Fig. 2.

GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

- (1) Claims 18-22 and 24-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lang (U.S. 5,604,644) in view of Repay (U.S. 3,972,597).
- (2) Claim 23 is rejected under 35 USC 103(a) as being unpatentable over Lang in view of Repay and further in view of Grissen (U.S. 4,826,306).

ARGUMENT

(1) Claims 18-22 and 24-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lang (U.S. 5,604,644) in view of Repay (U.S. 3,972,597).

Claim 18 recites a vehicle rear view mirror comprising a housing, a mirror lens and a frame for holding the mirror lens inside the housing. The frame is attached to the housing by a snap fit and the frame and the mirror lens are located wholly within a rim portion of the housing and are in a "fixed" position in the housing. All the other claims depend ultimately upon Claim 18.

Applicant submits that the Examiner has ignored the meaning of the terms "snap fit" and "fixed" as used in Claim 18. The frame is fixed in the housing by a snap fit. This means that the frame is either snapped into the housing or snapped out of the housing, but the frame is not adjustable in the housing. The Examiner has interpreted "fixed" to read on an "adjustable" frame and such is an error.

Turning to the art, Lang teaches a vehicle rear view mirror with a frame attached to the housing by a snap fit, in a fixed position, but both the mirror lens and the frame extend beyond the rim portion of the housing.

Repay teaches a vehicle rear view mirror where the frame and the mirror are wholly located within the housing but the frame is adjustable.

The Examiner replaced the fixed, snap fitted frame of Lang '644 with the adjustable frame of Repay. The Examiner takes the position that the frame of Repay is fixed because Repay has a vibration dampener (Element 38) which stabilizes the mirror.

Repay's frame is adjustable, see Repay, Column 2, line 24. To replace the frame and the mirror lens of Lang '644 with a frame and mirror lens of Repay results in an adjustable mirror, not a snap fitted, fixed frame and mirror lens.

The frame of the present Invention is "snap fitted" and "fixed" in the housing, albeit, that the snap fit which allows the frame and the mirror lens to be removed from the housing, however, it is not adjustable in the housing.

Stabilizing a mirror against vibration does not mean that the frame is fixed in its position. Fixed is the past participle of fix and means that an item is permanently and definitely located and stationary, immovable, i.e. not adjustable, see Definition from Webster's International Dictionary in Evidence Appendix.

If one were to combine the frame and mirror lens of Repay with a housing arrangement in Lang, one does not arrive at the present Invention because Repay teaches that his frame and mirror lens is adjustable within the housing. This means that the frame would not be fixed within the housing because it would be adjustable within the housing. As previously noted, Repay specifically teaches that his mirror and frame are adjustable with respect to the housing. Thus, it is respectfully submitted that the combination of Repay and Lang do not result in the present Invention.

(2) Claim 23 is rejected under 35 USC 103(a) as being unpatentable over Lang in view of Repay and further in view of Grissen (U.S. 4,826,306).

Grissen has been cited to teach a mirror lens that has a snap fit within a frame. This teaching, however, does not teach the fact that a frame and a mirror are both wholly located within the housing and are located in a fixed position with respect to the housing. Thus, it is respectfully submitted that Grissen, even taken in combination with Lang and Repay, does not teach the present Invention.

Respectfully, this case is in condition for allowance
and the Examiner's rejection should be reversed.

Respectfully submitted,

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Encl: Claim Appendix
Evidence Appendix
Related Proceedings Appendix

CLAIM APPENDIX

Claim 18

A vehicle rear view mirror comprising a housing and a mirror lens carried by a location frame rigidly mounted within and directly connected to said housing, said frame and/or housing being made from a resilient material, and the frame being a resilient snap-fit within the housing characterized in that the housing has a rim portion within which the frame and the mirror lens are wholly located and to which the frame is attached in a fixed position without extending over the outer edges of the rim portion of said housing.

Claim 19

The mirror of claim 18 characterized in that said housing is provided with frame retainment means and said frame is provided with housing engagement means.

Claim 20

The mirror of claim 19 characterized in that said frame retainment means comprises one or more catches and said housing engagement means comprises one or more abutments which co-operate with said catches.

Claim 21

The mirror of claim 18 characterized in that said frame is provided with lens engagement means.

Claim 22

The mirror of claim 21 characterized in that said lens engagement means comprises one or more abutments adapted to engage said lens.

Claim 23

The mirror of claim 21 characterized in that said lens is a resilient snap fit in said frame.

Claim 24

The mirror of claim 18 characterized in that said frame and/or said housing are made from a resilient synthetic plastics material.

Claim 25

The mirror of claim 18 characterized in that said housing comprises a casing adapted to cover the rear face of said lens.

Claim 26

The mirror of claim 18 characterized in that said lens is concave or convex or flat.

Claim 27

The mirror of claim 26 characterized in that said lens is of the polycarbonate unbreakable type, or any other substrate on which a reflective surface may be deposited.

Claim 28

The mirror of claim 26 characterized in that said lens is glass.

Claim 29

The mirror of claim 26 characterized in that said frame is provided with slots at each corner to provide further resilience to said frame.

Claim 30

The mirror of claim 18 characterized in that said housing and said frame are releasable detachable.

Claim 31

The mirror of claim 25 characterized in that said housing is provided with means to receive a mounting attached to said vehicle.

EVIDENCE APPENDIX

fixed \fɪkst\ adj [ME, fr. past part. of *fixen* to fix — more at **FIX**] **1** a : securely placed or fastened (a ~ piece of wood) : not adjustable (a ~ resistor) : permanently and definitely located : STATIONARY, IMMOVABLE (there were no ~ theaters in the provinces —G.M.Trevelyan) b (1) : NONVOLATILE (a ~ acid) (a ~ carbon) (2) : COMBINED 1b, BOUND 6 (a ~ nitrogen) (3) : slowly soluble as a result of combination (a ~ copper fungicides) c (1) : not subject to change or fluctuation : ABSOLUTE, SETTLED, DEFINITE (revolution . . . could never be a ~ right —S.W.Chapman) (urged the assembly to grant him a ~ salary) (a ~ rate pays for transportation . . . and food on tours —*Current Biog.*) (2) : held to tenaciously and often blindly or obsessively : UNSWERVING, SET (is very ~ in his ways and thought) (the man of ~ ideas . . . is today a public danger —*Nation*) (3) : having a final or crystallized form or character : incapable of further development : FROZEN (America is not yet a ~ and settled land —Barbara Ward) (the respect of the eighteenth century for ~ forms —R.B. West) (animal species are ~ and it is possible to define them in static terms —H.M.Parshley) (4) : recurring on the same date from year to year (a ~ feast) d : RIGID, IMMOBILE, CONCENTRATED (sat with a look of ~ attention on his face) (her thick glasses gave her eyes a ~ stare —Allen Tate) **2** : supplied with a definite amount of something needed or desirable : PROVIDED (how are we ~ for seamen —*Argosy*); esp : supplied with money (began to feel . . . that I was well ~ —W.A. White)

RELATED PROCEEDINGS APPENDIX

None